DOCKET NO.: 10248.70024US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Adams et al. Serial No .:

10/616.409

Confirmation No.:

9289

Filed:

July 9, 2003

For:

BOROPROLINE COMPOUND COMBINATION THERAPY

Examiner:

Brandon J. Fetterolf

Art Unit:

1642

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the _______ day of July, 2006.

MAIL STOP AMENDMENT

Commissioner For Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- Information Disclosure Statement
- PTO Form 1449 with cited references
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check in the amount of \$180 is enclosed to cover the filing fee. If the fee is insufficient, the balance may be charged to Deposit Account 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By:

Maria A. Trevisan, Reg. No.: 48,207

Wolf, Greenfield & Sacks, P.C.

600 Atlantic Avenue

Boston, Massachusetts 02210-2206

Telephone: (617) 646-8000

Docket No.: 10248.70024US00

Date: July 17, 2006

xNDDx



DOCKET NO.: I0248.70024US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Adams et al.

Serial No.:

10/616,409

Confirmation No.:

9289

Filed:

July 9, 2003

For:

BOROPROLINE COMPOUND COMBINATION

THERAPY

Examiner:

Brandon J. Fetterolf

Art Unit:

1642

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Emily E Zukauskas

MAIL STOP AMENDMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office action, but before the mailing date of any final action under 37 C.F.R. §1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application.

The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

1005837.1

Serial No.: 10/616,409 -2- Art Unit: 1642

Conf. No.: 9289

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

Serial No.	Filing Date	<u>Inventor(s)</u>	Docket No.
11/474,929	06-26-2006	Wallner et al.	*I0248.70016US02
11/476,524	06-28-2006	Wallner et al.	*I0248.70020US02

^{*}A copy of this reference is not provided as the Office has waived the requirement under 37 C.F.R. 1.98(a)(2)(iii) for submitting a copy of a cited U.S. patent application if it is scanned to the Image File Wrapper system and is available on Private PAIR.

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

- 1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
- 2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
- 3. The citations for the information be printed on any patent which issues from this application.

Serial No.: 10/616,409 - 3 - Art Unit: 1642

Conf. No.: 9289

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

Bv:

Maria A. Trevisan, Reg. No. 48,207 Wolf, Greenfield & Sacks, P.C.

600 Atlantic Avenue

Boston, Massachusetts 02210-2206

Telephone: (617) 646-8000

Docket No.: I0248.70024US00

Date: July 17, 2006

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FORM PTO-1449/A and B (modified PTO/SB/08)	APPLICATION NO.:	10/616,409	ATTY. DOCKET NO.: 10248.70024US00
INFORMATION DISCLOSURE	FILING DATE:	July 9, 2003	CONFIRMATION NO.: 9289
STATEMENT BY APPLICANT	APPLICANT:	Adams et al.	
Sheet of 6	GROUP ART UNIT:	1642	EXAMINER: Brandon J. Fetterolf

U.S. I	PATENT	DOCUMENTS	
	Nan	ne of Patentee or	

Examiner's	THE	U.S. Patent Doo	cument	Name of Patentee or Applicant of Cited	Date of Publication or Issue
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EXAMINER:	DATE CONSIDERED:

[#] EXAMINER: Initial if reference considered, whether or mt citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTC)-1449/A and B (m	odified	PTO/SR/08)	APPLICATION NO.:	10/616,409	ATTY. DOCKET NO.: 10248.70024US00
	RMATION D		·	FILING DATE:	July 9, 2003	CONFIRMATION NO.: 9289
	EMENT BY			APPLICANT:	Adams et al.	
Sheet	2	of	6	GROUP ART UNIT:	1642	EXAMINER: Brandon J. Fetterolf

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		DD	296075	A5	Martin-Luther-Universitaet Halle Wittenberg	11-21-1991	Abstract
		EP	0 471 651	A2	Sandoz Ltd.	02-19-1992	Abstract
		NZ	335543		Ludwig Institute for Cancer Research	03-30-2001	
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		wo	95/29691	A1	Georgia Tech Research Corporation	11-09-1995	

EXAMINER:	DATE CONSIDERED:

[#] EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-	1449/A an	d B (modifie	ed PTO/SB/08)	APPLIC	ATION NO.: 10/616,409	ATTY. DO	CKET NO.: 10248.7	0024US00
	INFORMATION DISCLOSURE STATEMENT BY APPLICANT		FILING	DATE: July 9, 2003	CONFIRM	ATION NO.: 9289		
				APPLIC	ANT: Adams et al.			
Sheet	3	of	6	GROUP	ART UNIT: 1642	EXAMINE	R: Brandon J. Fette	rolf
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		WO	03/092605	A2	Trustees of Tufts College		11-13-2003	
		wo	2005/071073	A1	Point Therapeutics, Inc.		08-04-2005	į.
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FORM PTO	D-1449/A and B (m	odified	PTO/SR/08)	APPLICATION NO.:	10/616,409	ATTY. DOCKET NO.: 10248.70024US00
				FILING DATE:	July 9, 2003	CONFIRMATION NO.: 9289
I .	TEMENT BY			APPLICANT:	Adams et al.	
Sheet	4	of	6	GROUP ART UNIT:	1642	EXAMINER: Brandon J. Fetterolf

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EXAMINER:	DATE CONSIDERED:

[#] EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449/A and B (modified PTO/SB/08) INFORMATION DISCLOSURE STATEMENT BY APPLICANT		APPLICATION NO.:	10/616,409	ATTY. DOCKET NO.: 10248.70024US00		
		FILING DATE:	July 9, 2003	CONFIRMATION NO.: 9289		
		APPLICANT:	Adams et al.			
Sheet	5	of	6	GROUP ART UNIT:	1642	EXAMINER: Brandon J. Fetterolf

		
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FORM PTO-1449/A and B (modified PTO/SB/08) INFORMATION DISCLOSURE STATEMENT BY APPLICANT			APPLICATION NO.:	10/616,409	ATTY. DOCKET NO.: 10248.70024US00
			FILING DATE:	July 9, 2003	CONFIRMATION NO.: 9289
			APPLICANT:	Adams et al.	
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